

**STATE OF VERMONT  
LIQUOR CONTROL BOARD**

**IN RE:       SWIMMERS, LLC D/B/A CHAMPLAIN RESTAURANT  
              581 ST. ALBANS ROAD  
              SWANTON, VERMONT**

**ORDER**

The Liquor Control Board ("Board") held a Formal Hearing in Montpelier, Vermont on September 9, 2015 to consider the suspension of Licensee, Swimmers, LLC d/b/a Champlain Restaurant's First and Third Class Liquor Licenses for an alleged violation of General Regulation No. 10 for failure to remain in good standing with respect to any and all taxes payable to the Commissioner of Taxes.

Jacob A. Humbert, Esq., Assistant Attorney General, appeared on behalf of the Department of Liquor Control ("DLC"). The Licensee appeared and testified.

We make the following findings:

1. Licensee admits that it is not in good standing with the Department of Taxes.
2. Licensee does not dispute its tax delinquency (such as the specific taxes due) and has not formally appealed its tax liability.
3. Licensee has, therefore, violated General Regulation No. 10, which reads as follows:

No first or third class liquor license shall be issued to a person who is not first licensed with the Vermont Department of Taxes to collect the Vermont Rooms and Meals tax. Suspension of first or third class liquor licenses may result by action of the Liquor Control Board, after notice and hearing, upon certification to the Board by the Vermont Department of Taxes that the licensee has failed to collect the Vermont Rooms and Meals tax, has failed to pay over to the Vermont Department of Taxes the Vermont Rooms and Meals tax collected, or is not licensed with the Vermont Department of Taxes to collect the Vermont Rooms and Meals tax.

4. The Board, rather than ordering an immediate suspension, is willing to allow Licensee a closed period of time to come in compliance with the Vermont Department of Taxes.
5. The Board shall defer to the Department of Taxes' determination whether Licensee has met all requirements to come into good standing.

### **ORDER**

The Board hereby Orders that Licensee's First and Third-Class liquor licenses be **SUSPENDED** effective 12:00 p.m. on Friday, October 9, 2015 unless the Department of Taxes certifies to DLC that Licensee is "now in good standing" prior to then. Any suspension shall be in effect until the Department of Taxes confirms that the Licensee is in good standing.

**DATED** at Montpelier, Vermont this 9<sup>th</sup> day of September 2015.

### **VERMONT LIQUOR CONTROL BOARD**

By: Stephanie M. O'Brien  
Stephanie M. O'Brien, Chair

### **RIGHT TO APPEAL**

Within 30 days after copies of this Order have been mailed, either party may appeal to the Vermont Supreme Court by filing a Notice of Appeal with the Department of Liquor Control and paying the requisite filing fee. *See* 3 V.S.A. § 815(a); V.R.A.P. 4 and 13(a).